1241.

SUPREME COURT OF THE UNITED STATES.

No. 82.

THE UNITED STATES, APPELLANT,

VERSUS

ANTONIO HUERTAS.

APPEAL FROM THE SUPERIOR COURT OF EAST FLORIDA.

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Before the honorable the judge of the superior court for the eastern district of Florida, and specially authorized by law to receive and adjudicate claims and titles to land in the district of East Florida, be it remembered, that, on the twenty-second day of May, in the year of our Lord one thousand eight hundred and twenty nine, Antonio Huertas, by Benjamin A. Putnam, his attorney, brought and filed in the clerk's office of the superior court for the eastern district of Florida, his petition or claim to certain land therein mentioned; which said petition or claim is in the words and figures following, to wit:

Superior court for East Florida.

ANTONIO HUERTAS, }
vs.
THE UNITED STATES. }

Petition for confirmation.

To the honorable Joseph L. Smith, judge of the superior court for the district of East Florida, and specially authorized by law to receive and adjudicate claims to lands within said district:

The petition of Antonio Huertas respectfully showeth unto your honors, that he claims title to a tract of land, containing ten thousand acres of land, within the district of East Florida aforesaid, and within the jurisdiction of this honorable court, situate on Six-mile creek, bounded on the west by said creek, on the east by a large mountain, on the south by the road leading from Picolata, and thence running north to a corresponding point.

Your petitioner further showeth, that his claim to said land is derived from, and founded on, a royal title, marked exhibit A, and hereto annexed, made to your petitioner by the Spanish Government, and dated the 20th day of July, 1816.

And your petitioner further showeth, that his claim to said land was submitted to the examination of the Board of Commissioners appointed under, and in virtue of, an act of the Congress of the United States of America, entitled "An act amending and supplementary to an act for ascertaining claims and titles to lands in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida," passed the 3d day of March, 1823, and recommended by said board to Congress for confirmation.

And your petitioner further showeth, that the land above claimed is embraced by the treaty between Spain and the United States of the 22d February, 1819, and that it has not been decided or finally settled under the provisions of the act of Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," passed 23d day of May, 1828, or of any of the acts to which the said last recited act is supplementary.

And your petitioner further showeth, that his claim contains a greater quantity of land than the commissioners appointed under the said act of Congress were authorized to decide and above the quantity confirmed by the aforementioned act of Congress, passed the 23d day of May, 1828. And that the claim of your petitioner to said land has not been reported by the said commissioners appointed under any of the aforesaid acts of Congress, or any other, or by the register and receiver acting as such, under the several acts of Congress of the United States in such case made and provided, as antedated or forged, and that the said claim hath not been annulled by the aforesaid treaty between Spain and the United States, nor by the decree of the King of Spain ratifying the same.

Your petitioner, therefore, prays that the validity of his claim may be inquired into and decided upon by this honorable court; and that, in pursuance of an act of the Congress of the United States for that purpose, in that case made and provided, the United States be made a party defendant, and that process do forthwith issue against Thomas Douglass, esquire, the attorney for the United States in the eastern district of Florida, according to the provisions of the said act of Congress above alluded to; and your petitioner will ever pray, &c.

B. A. PUTNAM, *Attorney for petitioner.*

A copy of the above petition, with a citation thereto annexed, was delivered to the marshal of this district to serve on the attorney of the United States for the same district; and the return of the said marshal thereon is in the words and figures following, to wit: "Served copy on Thomas Douglass, esquire, the 27th July, 1829."

"ISRAEL SMITH, *Deputy Marshal.*"

And afterwards, to wit, on the fourth day of August, in the year of our Lord one thousand eight hundred and twenty-nine, Thomas Douglass, United States' attorney for the district of East Florida, brought and filed in the clerk's office aforesaid his answer to the said petition; which said answer is in the words and figures following, to wit:

Superior court, November term, 1829.

THE UNITED STATES OF AMERICA,
als.
ANTONIO HUERTAS.

Answer of U. S. attorney.

The answer of Thomas Douglass, United States' attorney for the district of East Florida, to the petition or bill of complaint of Antonio Huertas:

The said attorney, in the name, and for and on behalf of the same United States, saving and reserving to them, now and at all times hereafter, all and all manner of benefit of exception to the manifold errors, defects, and irregularities in the said petition or bill of complaint contained, for answer thereunto, or unto so much thereof as it is material and necessary for them to answer unto, answereth and saith, that, whether any such royal title was ever made (or not) to the said Antonio Huertas for the tract of ten thousand acres of land in the said petition or bill of complaint mentioned and described as that which is marked exhibit A, and annexed to the said petition or bill of complaint purports to be, or whether the said Antonio Huertas ever rendered any such faithful and uninterrupted services, or suffered any such losses, as are in the document called a royal title, and to the said petition or bill of complaint annexed and marked exhibit A, as aforesaid mentioned and set forth, and in consideration of which the said ten thousand acres of land are therein said to have been granted to the said Antonio Huertas on the twenty-seventh day of March, one thousand eight hundred and thirteen, or whether any such grant of the said tract of land was made on the said twenty-seventh day of March, one thousand eight hundred and thirteen, to the said Antonio Huertas, as is therein mentioned, or whether the said Antonio Huertas ever established himself on the said tract of land as a grazier and cattle-grower as is therein stated, this respondent has no knowledge, and cannot, therefore, either admit or deny the same, but respectfully prays this honorable court to require of the said Antonio Huertas, upon the hearing of this cause, due proof of the making and execution of the said supposed grant, and also of the said supposed royal title, if any such grant or royal title were ever made, and also of the performance of the said faithful and uninterrupted services, and of the nature, extent, and value of said services, and when, where, upon what occasion, and by whose order, or at whose instance, they were performed, if, indeed, any such services were rendered by him as are in said document called a royal title as aforesaid mentioned, and also of the supposed losses therein mentioned, (if any such were suffered by him,) and the nature, extent, and value of them, and when, where, and upon what occasion they were sustained, and if he, the said Antonio Huertas, ever established himself upon the said tract of land, at what time he so established himself thereon, and what number of cattle, horses, and workers he then had; and how long he resided on said tract of land, and what number of cattle he raised, and what number he kept while he resided thereon, if he ever did reside thereon, and the num-

ber of his family and workers during the period of his said residence, and of all the matters and things in the said petition or bill of complaint alleged and set forth, and that are in said document marked exhibit A as aforesaid mentioned, as they are therein stated, according to law and the usages of courts of equity.

And this respondent avers that, if any royal title was ever made to the said Antonio Huertas, as he in his said petition or bill of complaint has mentioned and alleged, which is by no means admitted, it was not made by the Spanish Government as he has in his petition or bill of complaint aforesaid alleged, but by Don Jose Coppinger, military governor, &c., of the said province, as the said Antonio Huertas and himself has shown by the said document marked exhibit A as aforesaid.

And this respondent further saith, that, if any such grant of the said ten thousand acres of land was made to the said Antonio Huertas on the said twenty seventh day of March, as is in the said document marked exhibit A as aforesaid mentioned, (which is by no means admitted) it was made by Governor Kindelan, who was at that time the acting governor of the said province of East Florida, who possessed no power or authority to make the same; and that, if any such royal title was made by the said Governor Coppinger to the said Antonio Huertas for the said ten thousand acres of land, the same was made without any power or authority on the part of the said Governor Coppinger to make it, and that both the said supposed grant and the said supposed royal title, if made as aforesaid, (which is not admitted) were made contrary to, and in violation of the laws, ordinances, and royal regulations of the said Government of Spain, which were in force in the said province of East Florida, both at the time when the said supposed grant is said to have been made, and also at the time when the said supposed royal title is alleged to have been made as aforesaid, providing for the granting of lands in its provinces, of which said provinces the said East Florida was then one; and that neither the supposed grant, or the said supposed royal title, were ever approved by the said Government of Spain, and that both of them were, and are entirely null and void, as will more fully appear by reference to the laws, ordinances, and royal regulations aforesaid, which this respondent prays leave to introduce and read on the hearing of this cause.

And this respondent further saith that no power had been conferred by the said Government of Spain upon the said Governor Kindelan, at the time when the said supposed grant of land is said to have been made; to make grants of land in East Florida of the magnitude and description of the one now in this suit claimed and described by the said Antonio Huertas; nor had any power been conferred by the said Government of Spain upon the said Governor Coppinger at the time when the said supposed royal title is alleged to have been made as aforesaid, to make grants of land in East Florida of the magnitude and description of the one in the said petition or bill of complaint mentioned and described, or to grant royal titles therefor.

And this respondent further prays this honorable court that the said Antonio Huertas may be farther required to show and prove, on the hearing of this cause, the specific power which had been conferred, if any such power had been conferred by the Spanish Government aforesaid upon the said Governor Kindelan at the time when the said supposed grant in the said document, marked Exhibit A, mentioned, is said to have been made, to make grants of land in East Florida; and particularly that he may be required to

show and prove the specific powers under which he claimed to act in making the said supposed grant of the said ten thousand acres of land, if such grant was ever made by him to the said Antonio Huertas, as is above mentioned; and also that he may be required to show and prove the specific powers which had been conferred upon the said Governor Coppinger by the Spanish Government aforesaid, (if any powers had been conferred) at the time when the said supposed royal title is alleged to have been made, to make grants of land in East Florida, or to confirm the same, or to grant royal titles therefor, and particularly that he may be required to show and prove the specific power under which he claimed to act in making the said supposed royal title, if any such royal title was ever made by the said Governor Coppinger.

And this respondent further saith, that, if any such grant or royal title were ever made to the said Antonio Huertas, as are above mentioned, (which is not admitted,) neither the said grant nor the said royal title, gave to the said Antonio Huertas any right of soil in the said tract of land whatever, nor any other right thereto, except to use the same for the purpose of raising cattle; and that he, the said Antonio Huertas, has long since ceased to use it for that purpose; and, further, that he has, by a total failure and neglect to occupy the said tract of land or to use the same for the purpose aforesaid, and by the total abandonment thereof for a long space of time, to wit, for the space of more than twelve years last past, wholly forfeited and lost all right and title (if any he ever had) thereto; and that the said right and title to the said land is and was, long before the commencement of this suit, vested in the same United States.

And this respondent further saith, that, at the several times when the said supposed grant, and the said supposed royal title, are respectively said to have been made, it was, and for a long space of time had been, the fixed and settled policy of the Government of Spain aforesaid to parcel out its colonial domain with reference solely to the objects of increasing the population of its colonies, and of benefitting its indigent subjects; and, that according to that policy, grants of land for the purpose of speculation were never approved or tolerated by the said Government, and that the said supposed grant of the said tract of land, and the said supposed royal title therefor, were obtained, if they, or either of them, were obtained at all, for the purpose of speculation only.

And this respondent admits that the claim of the said Antonio Huertas to the tract of land aforesaid was submitted to the board of commissioners, in his petition or bill of complaint aforesaid mentioned, and that the said board of commissioners reported favorably thereon; but this respondent does not admit that the said claim hath not been annulled by the said treaty between Spain and the United States, which is in the said petition or bill of complaint mentioned, but leaves the said Antonio Huertas to make proof of that matter in the best way that he can.

And now, having fully answered all the matters and things in the said petition or bill of complaint contained, the said attorney prays that the said United States may be hereof discharged, and that their reasonable costs and charges by them in and about the defence of this suit paid, laid out, and expended, may be adjudged and decreed to them, &c.

THOMAS DOUGLASS,
United States' Attorney, &c.

And afterwards, to wit, on the twenty-first day of September, in the year of our Lord one thousand eight hundred and thirty, the said Antonio Huertas, by his said attorney, brought and filed in the clerk's office aforesaid his replication; which said replication is in the words and figures following, to wit:

Superior Court, District of East Florida.

ANTONIO HUERTAS, *vs.* THE UNITED STATES. } 10,000 *acres.*

Replication. The replication of Antonio Huertas, complainant, to the answer of the United States, defendants, by Thomas Douglass their attorney.

This replicant, saving and reserving to himself all and all manner of advantage of exception which may be had and taken to the manifest errors, uncertainties, and insufficiencies of the answer of the said defendants, for replication thereunto, saith that he doth and will aver, maintain, and prove his said bill to be true, certain, and sufficient in the law to be answered unto by the said defendants; and that the answer is very uncertain, evasive, and insufficient in the law to be replied unto by the replicant, without that, that any other matter or thing in the said answer contained, material or effectual in the law to be replied unto, are herein and hereby well and truly and sufficiently replied unto, confessed or avoided, traversed or denied, is true; all which matters and things this replicant is ready to aver, maintain, and prove, as this honorable court shall direct; and humbly prays, as in and by his said bill he hath already prayed.

B. A. PUTNAM,
Solicitor for Complainant.

Documents offered and received in evidence in this case on behalf of the said claimant, to wit:

No. 1.

TRANSLATION.

His Excellency the Governor:

Memorial of Huertas to Spanish Gov't for grant. Don Antonio Huertas, a Spanish citizen, and an inhabitant of this place, with due respect represents to your excellency, that, for many years past, he has established herds of cattle in this province; but as it happens that he never owned any land where he could graze them, he has been under the necessity to have them spread over the whole province, which circumstance has been very detrimental to him in consequence of having to employ great many men, and use great many horses to collect the said cattle whenever he has to introduce them in this place for the supply thereof; for which reason he has suffered so great losses at the time of the insurrection of this province, for, if his herds had been located in the environs of this place, it would have been very easy to him to bring them to it for protection. I, your petitioner, have served his Majesty since I was eighteen years old; first, as a soldier from the year 1775 until 1785, when I received my discharge in Louisiana, and came to settle in this place, in which I have served in the capacity of interpreter of the Indians without interruption; and, having already reached

an advanced age, with ten children and fourteen slaves, and having lately met with great losses in the last insurrection, as your excellency and the whole city well know, and having been supplying this place with beef for a long time past, which supply has been attended with great deal of labor and expense in order to prevent its failure, and which, owing to my great exertions, I have had the satisfaction to keep up. By the documents annexed, your excellency will see that the lands about the Six-mile creek are now vacant by the exchange made by Messrs. Panton, Leslie & Co., to whom this Government had granted them for the place called Tocoi; therefore, I, your excellency's petitioner, wishing to place my cattle as near the city as possible for the better supply thereof, avoid thereby the danger of their arriving to the market very lean and in a bad condition, in consequence of having great distances to travel if raised in any other parts of the province; and as, at the same time, the Six-mile creek to which I allude, is the nearest communication of the river St. John with this place, and has, as such, been in this revolution the thoroughfare of the transport of provisions and artillery to the encampment of the Four miles, for which reason it seems to me very proper to have a Spanish inhabitant located at that point, do supplicate your excellency be pleased, in consideration of all this, to grant me the ten thousand acres of land abandoned by Messrs. Panton, Leslie & Co., the limits thereof beginning west at the said creek, bounded west by the Great Hammock, south by the road of Picolata, and north by the corresponding line; the greater part of said tract being pine land, and fit only to graze cattle thereon, which is the object of your petitioner; and this favor I hope to receive from your excellency. St. Augustine of Florida, 22d March, 1813.

ANTONIO HUERTAS.

Decree.

ST. AUGUSTINE, 27*th of March*, 1813.

Grant to Huertas for 10,000 acres of land.

The services related by the petitioner being so notorious, as well as the losses which he has suffered on account of the insurrection of the province; in consideration thereof, and of his well known fidelity and integrity, of his numerous family, his industrious activity and practical knowledge in the education of cattle, and of the urgent necessity of forwarding in the province a branch of industry of which it is almost deprived at this day, as the rebels and the Anglo-American troops have exterminated or consumed the small and large herds which existed before, I hereby grant to Don Antonio Huertas, according to law, and without prejudice to a third party, the ten thousand acres of land which he solicits, with the precise condition to use the same for the purpose of raising cattle, without having the faculty to alienate the said tract either by sale, transfer, contract of retrocession, or by any other title, in favor of a stranger, without the knowledge of this Government. Let this be deposited in the archives, and a certified copy thereof be issued from the Secretary's office in favor of the interested party for his security and information.

KINDELAN.

No. 2.

Being exhibit A, as referred in the petition of the said claimant.

TRANSLATION.

Royal title to Huertas for 10,000 acres of land.

Title of property in behalf of Don Antonio Huertas for ten thousand acres of land in the place known by the name of Six-mile creek.

Don Jose Coppinger, lieutenant colonel of the royal armies, political and military governor *pro tem.*, and chief of the department of the royal domain in this city of St. Augustine of Florida, and of the province thereof:

Whereas by a royal order communicated to this Government on the twenty-ninth of October, one thousand seven hundred and ninety, by the captain general of the island of Cuba and the two Floridas, it is provided among other things, that to strangers who may spontaneously present themselves to swear allegiance to our sovereign, lands be surveyed gratis in proportion of the number of workers of each family; and whereas Don Antonio Huertas, an inhabitant of this place, solicited and obtained from this Government, on the twenty-seventh of March, one thousand eight hundred and thirteen, ten thousand acres of land for the purpose of growing cattle, in consideration of the faithful and unintermitted services he rendered to the country, and of the losses which he suffered by the insurrection of this province, which lands are known by the name of Six-mile creek, and designated by the following boundaries: the survey begins west at the said creek, is bounded east by the Big Hammock, south by Picolata road, and runs north to the corresponding point; and the said lands are the same which had been granted to the house of Panton, Leslie and Co., who afterwards relinquished them; and whereas the said Don Antonio Huertas has petitioned that the title of absolute property be issued to him in consideration of his having established himself on said lands as a grazier and cattle grower, as I have verified it by an inquiry; in virtue of which, and in consideration of his good services aforesaid, I have granted the said lands to him by my decree of the seventeenth instant affixed to the memorial of Don Antonio Huertas aforesaid, wherein all is detailed more particularly, and which is deposited in the office of the present notary. Wherefore, and in consideration of all the preceding particulars, I have resolved to grant, as I do in the name of his Majesty hereby grant, to the said Don Antonio Huertas the ten thousand acres of land aforesaid, for himself, his heirs and successors, in absolute property, and to issue to him, as I do hereby issue, the corresponding title, by which I divest the royal domain from the right and ownership which it had to the said tract of land, and I grant and transfer the same to the said Don Antonio Huertas, his heirs and successors, in order that, in virtue thereof, they possess it as their own, use and enjoy it without any incumbrance whatever, with all its inlets, outlets, uses, customs, rights and services, which it has had, has, and in fact and of right belong to, and may concern it, as may best suit them. To the whole of which I interpose my authority as far as I can, and of right ought, in virtue of what has been exposed, and of the sovereign will. Given under my signature, and countersigned by the subscribed notary *pro tem.* of the Government and of the royal domain, in this city of St. Augustine of Florida, on the twentieth of July, one thousand eight hundred and sixteen.

JOSE COPPINGER.

By order of his Lordship:

JUAN DE ENTRALGO,

Notary pro tem. of the Government, and of the Royal Domain.

The foregoing two documents, and numbered one and two, are translations made by the translator and interpreter of this court from copies furnished by the keeper of the public archives for East Florida.

No. 3.

Being translation made by the translator and interpreter of this court from the original on file among the papers of this cause, to wit:

TRANSLATION.

Certificate of survey. I, Don Andres Burgevin, appointed and qualified surveyor by decree of this Government issued on the second instant in favor of the interested party, do certify that I have surveyed and delineated to Don Antonio Huertas a tract of land containing ten thousand acres of land; the first line of which commences at a pine marked H, about a mile distant north of the Picolata road, and runs south 77° E. 160 chains. The second line commences at a pine marked H, runs north 15° E., measures four hundred chains, and crosses Turnbull's swamp a little north of the Six-mile road. The third line commences at a pine marked H, and terminates at a plantation which belonged to Tobsey. The Six-mile creek forms the fifth line. The ~~sixth~~ commences at about one mile south of the Six-mile plantation, and terminates at first pine marked H, and, in all the other particulars, is conform to the following plat. And in testimony thereof, I sign this in St. Augustine of Florida, 19th September, 1818.

ANDRES BURGEVIN.

***

And afterwards, before the superior court for the eastern district of Florida, holden at the court-house in the city of St. Augustine, at the term of October, in the year of our Lord one thousand eight hundred and thirty, to which term this cause had come by regular continuance, to wit: on Monday, the sixth day of said term, and the eighteenth of said month, the following entry of record was made in this cause, to wit:

ANTONIO HUERTAS, *vs.* THE UNITED STATES. } *Land claim*, 10,000 *acres.*

Entry and decision in relation to copies from office of pub. archives. This day came, as well the counsel for the said claimant as the attorney of the United States for this district; and the said claimant, by his counsel, offered in evidence a copy from the office of the keeper of the public archives of the original grant on which this claim is founded, to the receiving of which in evidence the said attorney for the United States objected, alleging that the original grant *itself* should be produced and its *execution* proved, before it could be admitted in evidence, and that the original only could be received in evidence; which objection, after argument of counsel, was overruled by the court; and the copy from the office of the keeper of the public archives, certified according to law, was ordered to be received in evidence, and the court further ordered that, though by the express statute of this Territory, copies are to be received in evidence, yet, in cases where either the claimant or the United States shall suggest that the *original* in the office of the keeper of the public archives is deemed necessary to be produced in court, on motion therefor, a subpœna will be issued by order of the court to the said keeper to appear and produce the said original in court for due examination there. This claim was then submitted to the court for its decree thereon.

And afterwards, before the superior court for the eastern district of Florida, holden in the court-house in the city of St. Augustine, at the term of

Pine interspersed with pine and cedar H.
160 Chains
Swamp
10,000 Acres
Road
2nd Line N. 15° E. 400 Chains

Six mile Creek
Pine
Jobsey
Pine marked H.
Plantation of
Six mile Creek
Road of
Six mile Creek
Pine marked H.
32nd Line N. 70° W. 320 chains

May, in the year of our Lord one thousand eight hundred and thirty-two, to which term this cause had come by regular continuance, to wit: on Saturday, the sixth day of said term, and the twelfth of said month, the following *decree of confirmation* was entered of record in this cause, to wit:

ANTONIO HUERTAS,
vs.
THE UNITED STATES OF AMERICA. } *Land claim* 10,000 *acres.*

Decree of confirmation. *Whereas* Antonio Huertas did, in pursuance of the act of Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," and approved 23d day of May, 1828, on the twenty-second day of May, 1829, file his petition for the confirmation of certain lands therein mentioned in the clerk's office of the superior court for the eastern district of Florida. And *whereas* the attorney of the United States for this district did duly appear and answer said petition, and such proceedings being had herein, as that this claim was submitted to the court for its decree thereon; and the said court having examined the claim of the said petitioner, and the answer of the attorney of the United States, together with the exhibits filed herein, and having maturely considered the same, doth *order*, *adjudge*, and *decree*, that this claim is *valid*, and that, in accordance with the laws and customs of Spain, and under and by virtue of the late "treaty of amity, settlement, and limits, between the United States of America and the King of Spain," ratified by the President of the United States on the 22d February, 1821, and under and by virtue of the laws of nations and of the United States, it is hereby *confirmed*, *adjudged*, and *decreed* unto the said claimant, to the extent, and agreeably to the boundaries as in the grant and the plat of the survey of said land made by Andrew Burgevin, and dated 19th day of September, 1818, and filed herein, is set forth, to wit: "A tract of land containing ten thousand acres, the first line of which commences at a pine marked H, about a mile distant north of the Picolata road, and runs south seventy-seven degrees east, one hundred and sixty chains; the second line commences at a pine marked H, runs north fifteen degrees east, measures four hundred chains, and crosses Turnbull's swamp a little north of the Six-mile road; the third line commences at a pine marked H, and terminates at a plantation which belonged to Tobsey; the Six mile creek forms the fifth line; the sixth line commences at about one mile south of the Six-mile plantation, and terminates at first pine marked H."

And, afterwards, before the superior court for the eastern district of Florida, holden at the court-house in the city of St. Augustine, at the term of October, in the year of our Lord one thousand eight hundred and thirty-two, to wit: on Friday, the fifth day of said term, and the fifth of said month, the following appeal was entered of record in this cause, to wit:

ANTONIO HUERTAS,
vs.
THE UNITED STATES OF AMERICA. } *Land claim,* 10,000 *acres.*

Appeal. This day came Thomas Douglass, esquire, attorney of the United States for this district, and moved the court that an appeal be granted in this case, on behalf of the said United States, from the decree of this

court to the Supreme Court of the United States; which is granted accordingly.

And afterwards, before the superior court for the eastern district of Florida, holden at the court-house in the city of St. Augustine, at the term of May, in the year of our Lord one thousand eight hundred and thirty-three, to wit: on Monday, the eighteenth day of said term, and the tenth day of June, the following entry of record was made in this cause, to wit:

THE UNITED STATES, *ats.* ANTONIO HUERTAS. } *Land claim* 10,000 *acres.*

Revival of appeal.

Now, on this day came Thomas Douglass, esquire, United States' attorney for the district of East Florida, and suggests to the court now here, that, since the granting of the appeal in the above cause to the Supreme Court of United States, a term of the said court has intervened, and that the record herein has not been sent up to the said court: wherefore the said attorney, on behalf of the same United States, prays that the said appeal may be revived, and the order therefor extended, and a copy of the record in said cause, duly certified, may be sent up to the said Supreme Court before the first day of the next term thereof, to be holden on the second Monday of January next; and that citation, with notice of said appeal, may be forthwith issued by the clerk of this court to the appellee, and that the same may be served by the marshal of said district upon the said appellee or his solicitor or agent, and returned to this court within thirty days from the issuing thereof; which is ordered accordingly.

And afterwards, to wit, on the eleventh day of June, in the year 1833, a citation of appeal, in pursuance of the above order, was issued in this case; which citation, and the return of the marshal of this district thereon, are in the words and figures following, to wit:

In the name and by the authority of the United States of America, to Antonio Huertas, or to his agent, attorney, or solicitor, greeting:

Citation of appeal.

You are hereby cited and admonished that an appeal has been taken on the part of the United States from the decree of the superior court for East Florida to the Supreme Court of the United States in a certain claim to ten thousand acres of land, wherein you, the said Antonia Huertas, are claimant, and the said United States respondent; and that the record in said cause will be forwarded to the said Supreme Court to be placed on the docket of said court at the next term thereof, to be holden on the second Monday of January next.

Witness, the honorable Robert Raymond Reid, judge of our said superior court, at the court-house in the city of St. Augustine, this eleventh day of June, A. D. 1833.

[SEAL.]

GEORCE GIBBS, *Clerk*,
Per K. B. GIBBS, *Deputy Clerk.*

THOS. DOUGLASS, *U. S. Att'y for E. Florida.*
B. A. PUTNAM, *Attorney for Claimant.*

"Executed by delivering a true copy to B. A. Putnam, esquire, attorney for the within named Antonio Huertas, the said Antonio Huertas not being found in my district. June 18, 1833."

"SAMUEL BLAIR, *Marshal.*"